

Conditional Use Hearing
132 West Oley Street
Council Chambers
Tuesday, August 2, 2011
5:25 p.m.

Mr. Spencer, President of Council, called the hearing to order and stated that Council is conducting a conditional use hearing to take testimony on the application for a group home at 132 West Oley Street.

Attending: City Councilors Spencer, Sterner, Reed, Marmarou, City Clerk Kelleher, City Solicitor Younger, Zoning Administrator Guckin, City Planner Miller

Mr. Spencer asked Mr. Younger, City Solicitor, to conduct the hearing.

Mr. Younger outlined the hearing procedure. He asked all parties, including staff, wishing to testify to stand.

The court reporter administered to oath to Ryan Bradley, the Zoning Administrator, and the City Planner. Ms. Kelleher provided Mr. Bradley with a copy of the property packet.

I. Testimony from Applicant

Mr. Bradley stepped to the podium.

Mr. Younger inquired if Mr. Bradley he objected to having the property packet entered into the record as an exhibit. As he did not object, Mr. Younger entered the property packet into the record as Exhibit 1.

Mr. Bradley stated that he is the applicant and the founder of Second Chance LLC. He explained that he founded this group to assist people with reentry from correctional facilities and the homeless. He explained that the Angstadt's are the property owners and they offered to rent the property to the organization for this purpose. He described the mission of the organization. He explained that the main goal of the organization is to provide a safe and stable living environment and provide strong support and education which will assist them with becoming responsible citizens.

Mr. Bradley stated that someone donated funding for the rehabilitation of the property. He also stated that representatives from Second Chance have met with County Probation and the State Parole Board. Both parties inspected the property. He stated that Second Chance organized a neighborhood clean up and follow-up event to educate the surrounding properties about the proposed program. He explained that the organization is community based and that no more than three (3) people will be residing at the home at one time. He

stated that the home currently has five (5) bedrooms but the two (2) bedrooms located on the 3rd floor will be used for storage.

Mr. Bradley explained that he is a certified recovery specialist, along with several other members of the organization who have skills in various social service areas. He announced his license number. He stated that he wanted Second Chance to become a pillar in the community. He described his visits to similar programs in other cities. He explained that facilities like these should be located in urban areas so the residents can learn to handle reentry into areas where they will reside.

Mr. Marmarou inquired about the interaction with surrounding neighbors. Mr. Bradley stated that he has heard only positive comments and requests for services for friends and relatives. He stated that those who were unsure were educated on the proposed program.

Mr. Marmarou inquired about the application process and who selects those who enter the program. Mr. Bradley stated that the Second Chance Board interviews applicants referred through the Parole Board or Probation. The home's program follows programs operating at halfway houses. He stated that those accepted must be employed, cannot have automobiles and must participate in the educational and social service programming offered. He stated that he and another board member reside in this block of West Oley Street. He noted that this program does not accept those guilty of arson charges or sex offenders. He added that people who are accepted into this program must pay a fee to reside at the home.

In response to a question from Ms. Guckin, Mr. Bradley stated that there is no live in supervision, that only three (3) guests will stay at the property at one time and that the 3rd floor will be used only for storage. Mr. Bradley also stated that there are no security cameras installed at the group home because he and another member of the organization reside in this neighborhood.

Ms. Guckin reminded Mr. Bradley that sexual offenders cannot reside in this home due to the existence of a permitted daycare center located within the distance prescribed by State regulations.

Mr. Sterner inquired about the rehab of the property. Mr. Bradley stated that the exterior of the property was painted and rehabilitated. He stated that cosmetic improvements such as paint were used on the inside.

Mr. Bradley explained that those coming out of the prison system for drug charges lose their drivers' licenses and therefore will not have automobiles. He stated that there is access to public transportation within walking distance from this property. He also noted that all those in the program must participate in the mandatory budget savings program.

II. Testimony from City Staff

Ms. Guckin, Zoning Administrator, stated that she reviewed the property file and found that the property has a zoning permit and registration for a single family rental. There are no codes violations in the property file. She stated that the application meets all requirements under the terms of the zoning ordinance, except off-street parking. She stated that there is not another legal group home operating within 800 feet. She reminded Council about the difficulty in enforcing the number of residents living at a group home. However, the zoning permit can be revoked if an inspection discovers evidence that the number of residents exceeds the number allowed on the permit. She recommended approving the application. She stated that Second Chance LLC was very up front, open and honest during the application process.

Mr. Miller, City Planner, stated that the Planning Commission reviewed the application at their July 26th meeting, where they voted to approve Resolution No. 65-2011 to deny the application. The recommendation to deny is based on the lack of off-street parking. He stated that the Board didn't know about the motor vehicle restriction and that knowledge may have changed the Planning Commission's opinion.

Mr. Sterner expressed concern about the group's ability to control the behavior of their residents without security cameras or on site supervisors.

Mr. Spencer noted that complaints from neighbors could result in an inspection and revocation of their zoning permit.

III. Public Comment

Mr. Younger opened the floor for public comment.

Brian Brown, of the 100 block of West Oley Street expressed his belief in the program and its mission. He expressed support for the proposed project.

Robert Walker, of the 100 block of North 11th Street, stated that he is the CFO of Second Chance. He described Second Chance's participation in other community events and clean-ups. He noted that Second Chance also partners with the Gilmore-Henne Foundation.

Mr. Spencer disclosed that he visited the community event held by Second Chance over the past weekend and that he attended a recent board meeting to learn more about the group.

IV. Rebuttal from Property Owner

Mr. Bradley stated that no more than three (3) residents will be at the home at one time. He noted his desire to open an additional rental property on North 9th Street for low income

residents. He stated that the North 9th Street property is in blighted condition.

No further testimony occurred.

Mr. Spencer stated that City Council is required to approve or deny the application within 45 days of the hearing. He stated that the decision will be made by resolution at Council's regular business meeting on August 22nd.

The hearing was adjourned.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk